

## **REMARKS**

This Letter is responsive to the Office Action dated April 16, 2007. Claims 7-16 and 21-30 were pending in the application. In the present Office Action, claims 7-16 and 21-30 were rejected.

### **(1) Identification of the Patent under 37 C.F.R. § 41.202(a)(1)**

Pursuant to 37 C.F.R. § 41.202(a)(1), Applicants request the declaration of an Interference between the above-identified Application and United States Patent No. 6,601,301, issued August 5, 2003, issued to Lacchetti et al. (hereinafter "the Lacchetti Patent"). A copy of the Lacchetti Patent is attached hereto as **Exhibit A**. The Lacchetti Patent purports on its face not to be assigned.

### **(2) Proposed Count and Identification of the Claims Corresponding to the Count under 37 C.F.R. § 41.202(a)(2)**

Proposed Count 1 is directed to the Lacchetti Patent. The following count is proposed:

#### **Count 1:**

A process for making an omega-double-face necklace or bracelet, comprising providing a flexible core, and threading a plurality of rings onto the flexible core, each ring having two different colors, the rings being segments of a tubular element formed in two phases, the first phase comprising:

- providing at least two differently colored precious metal laminae;
- arranging the at least two precious metal laminae in a side-by-side orientation;
- coupling adjacent sides of the at least two precious metal laminae by welding to form a single multi-color laminae having at least two different colors; and

the second phase comprising:

- bending the multi-color laminae to place free edges of the multi-color laminae adjacent each other; and

- longitudinally welding the adjacent free edges together to form a multi-color tubular element, whereby the multi-color tubular element displays one of the at least two different colors on each of at least two sides all along a length of the multi-color tubular element.

### **Claims of the Lacchetti Patent Correspond to the Count:**

Applicants respectfully submit that all of the claims (claims 1-5) in the Lacchetti Patent correspond to proposed Count 1.

Claim 1 of the Lacchetti Patent corresponds to the proposed Count 1. Claim 1 is directed to a process for making a two-sided necklace or bracelet

Claims 2-5 of the Lacchetti Patent are all directed to a process for making a two-sided necklace or bracelet. Since claims 2-5 are all directly or indirectly dependent on claim 1 and the proposed count corresponds to claim 1 of the Lacchetti Patent, then the process covered by claims 2-5 would all fall within the scope of independent claim 1, and accordingly, claims 2-5 all correspond to the proposed count.

### **Claims of the Instant Patent Application Correspond to the Count:**

Proposed Count 1 is essentially identical to pending claim 26-30, as presented in the Second Preliminary Amendment. Applicant respectfully submits that all pending claims in the above-referenced Application (claims 26-30, as presented in the Second Preliminary Amendment) correspond to proposed Count 1.

### **(3) Claim chart of claims Corresponding to the Count under 37 C.F.R. § 41.202(a)(3)**

As required under 37 C.F.R. § 41.202(a)(3), a claim chart is provided below to compare at least one claim of the Lacchetti Patent with at least one claim of the instant Application that correspond to proposed Count 1.

#### **CLAIMS FROM THE LACCHETTI PATENT**

##### **Claim 1**

A process for making an omega-double-face necklace or bracelet, comprising providing a flexible core, and threading a plurality of rings onto the flexible core, each ring having two different colors, the rings being segments of a tubular element formed in two phases, the first

#### **CLAIMS FROM THE INSTANT APPLICATION**

##### **Claim 26**

A process for making an omega-double-face necklace or bracelet, comprising providing a flexible core, and threading a plurality of rings onto the flexible core, each ring having two different colors, the rings being segments of a tubular element formed in two phases, the first

phase comprising:

providing at least two differently colored precious metal laminae;  
arranging the at least two precious metal laminae in a side-by-side orientation;  
coupling adjacent sides of the at least two precious metal laminae by welding to form a single multi-color laminae having at least two different colors; and the second phase comprising:

bending the multi-color laminae to place free edges of the multi-color laminae adjacent each other; and  
longitudinally welding the adjacent free edges together to form a multi-color tubular element,  
whereby the multi-color tubular element displays one of the at least two different colors on each of at least two sides all along a length of the multi-color tubular element.

#### Claim 2

The process of claim 1, wherein the first phase further comprises feeding each of the at least two differently colored laminae into a first machine, the first machine arranging the laminae and having a welding torch for coupling the at least two differently colored laminae.

phase comprising:

providing at least two differently colored precious metal laminae;  
arranging the at least two precious metal laminae in a side-by-side orientation;  
coupling adjacent sides of the at least two precious metal laminae by welding to form a single multi-color laminae having at least two different colors; and the second phase comprising:

bending the multi-color laminae to place free edges of the multi-color laminae adjacent each other; and  
longitudinally welding the adjacent free edges together to form a multi-color tubular element,  
whereby the multi-color tubular element displays one of the at least two different colors on each of at least two sides all along a length of the multi-color tubular element.

#### Claim 27

The process of claim 26, wherein the first phase further comprises feeding each of the at least two differently colored laminae into a first machine, the first machine arranging the laminae and having a welding torch for coupling the at least two differently colored laminae.

**Claim 3**

The process of claim 2, wherein the first phase further comprises pulling the single multi-color laminae from the first machine using extraction rollers.

**Claim 28**

The process of claim 27, wherein the first phase further comprises pulling the single multi-color laminae from the first machine using extraction rollers.

**Claim 4**

The process of claim 1, wherein bending the multi-color laminae comprises passing the multi-color laminae through a plurality of pairs of rollers having shaped profiles and arranged to progressively bend the multi-color laminae.

**Claim 29**

The process of claim 26, wherein bending the multi-color laminae comprises passing the multi-color laminae through a plurality of pairs of rollers having shaped profiles and arranged to progressively bend the multi-color laminae.

**Claim 5**

The process of claim 1, further comprising orienting each of the rings to display one color of the ring on the flexible core.

**Claim 30**

The process of claim 26, further comprising orienting each of the rings to display one color of the ring on the flexible core.

**(4) Applicants Prevail on Priority**

Applicants will prevail on priority, as required under 37 C.F.R. § 41.202(a)(4).

The Lacchetti Patent does not claim priority to any U.S. applications and was filed on September 10, 2002.

Applicants claim priority in the instant Application to Rancan, Application Ser. No. 09/536,672 filed March 28, 2000. The disclosure of the priority application includes the process for making an omega-double-face necklace or bracelet

Accordingly, Applicant respectfully submits that Applicant's priority patent application (Application Ser. No. 09/536,672) discloses the correct process for making an omega-double-face necklace or bracelet.

For the reasons discussed above, Applicant respectfully submits that the instant invention will prevail on priority.

**(5) Support for Added or Amended Claims under 37 C.F.R. § 41.202(a)(5)**

Pursuant to 37 C.F.R. § 41.202(a)(5), support for newly presented claims 26-30 of the instant Application is provided in the chart below.

Newly Presented Claims 26-30 of the Instant Application	Support for Claims 26-30 in the Instant Application
Claim 26	
A process for making an omega-double-face necklace or bracelet, comprising	The present invention relates to an "omega" type ornamental chain and a process for making the chain. ¶ 2, lines 1-2
providing a flexible core, and	A center piece or core of fabric of precious material. ¶ 11, line 2
threading a plurality of rings onto the flexible core,	[The small rings] are inserted on the central or core piece (20) (see FIG. 16). ¶ 38, lines 3-4
each ring having two different colors,	The tube is divided with radial cuts so as to form a plurality of small rings, which, being made with two different materials, may be defined [as] "bicolors". ¶ 10, lines 1-3
the rings being segments of a tubular element formed in two phases, the first phase comprising:	In actual operation, the small rings are obtained starting with two laminae of material having different composition, which laminae are placed side by side one with respect to the other, according to their longitudinal direction and being made integral one with respect to the other, by means of a process of welding

so as to constitute a bilamina which then is shaped so as to form a tubular or cylindrical product.

¶ 9, lines 1-8

providing at least two differently colored precious metal laminae;

[T]he small rings are obtained starting with two laminae of material having different composition.

¶ 9, lines 1-3

arranging the at least two precious metal laminae in a side-by-side orientation;

[L]aminae are placed side by side one with respect to the other, according to their longitudinal direction.

¶ 9, lines 3-4

coupling adjacent sides of the at least two precious metal laminae by welding to form a single multi-color laminae having at least two different colors; and the second phase comprising:

[The bands] being made integral one with respect to the other, by means of a process of welding.

¶ 9, lines 5-6

bending the multi-color laminae to place free edges of the multi-color laminae adjacent each other; and

[The] lamina (7) is subjected to a rolling action which transforms the bilamina into a tubular or cylindrical element (8) (FIG. 8) and afterwards the two approached borders of the tubular element are made integral due to an operation of fixed connection, preferably welding, with or without a supply of material with a laser or other well known methods.

¶ 30, lines 1-7

longitudinally welding the adjacent free edges together to form a multi-color tubular element,

So as to constitute a bilamina which then is shaped so as to form a tubular or cylindrical product.

¶ 9, lines 6-8

whereby the multi-color tubular element displays one of the at least two different colors on each of at least two sides all along a length of the multi-color tubular element.

After the pressing operation one obtains a product suitable to make the necklaces called "double face", that is the necklaces which have two surfaces with symmetrically counterposed faces and which have aesthetic characteristics different one from the other.

¶ 12, lines 1-6

#### Claim 27

The process of claim 26, wherein the first phase further comprises feeding each of the at least two differently colored laminae into a first machine, the first machine arranging the laminae and having a welding torch for coupling the at least two differently colored laminae.

[The] lamina (7) is subjected to a rolling action which transforms the bilamina into a tubular or cylindrical element (8) (FIG. 8) and afterwards the two approached borders of the tubular element are made integral due to an operation of fixed connection, preferably welding, with or without a supply of material with a laser or other well known methods.

¶ 30, lines 1-7

#### Claim 28

The process of claim 27, wherein the first phase further comprises pulling the single multi-color laminae from the first machine using extraction rollers.

[The] lamina (7) is subjected to a rolling action which transforms the bilamina into a tubular or cylindrical element (8) (FIG. 8) and afterwards the two approached borders of the tubular element are made integral due to an operation of fixed connection, preferably welding, with or

without a supply of material with a laser or other well known methods.

¶ 30, lines 1-7

**Claim 29**

The process of claim 26, wherein bending the multi-color laminae comprises passing the multi-color laminae through a plurality of pairs of rollers having shaped profiles and arranged to progressively bend the multi-color laminae.

[The] lamina (7) is subjected to a rolling action which transforms the bilamina into a tubular or cylindrical element (8) (FIG. 8) and afterwards the two approached borders of the tubular element are made integral due to an operation of fixed connection, preferably welding, with or without a supply of material with a laser or other well known methods.

¶ 30, lines 1-7

**Claim 30**

The process of claim 26, further comprising orienting each of the rings to display one color of the ring on the flexible core.

After the pressing operation one obtains a product suitable to make the necklaces called "double face", that is the necklaces which have two surfaces with symmetrically counterposed faces and which have aesthetic characteristics different one from the other.

¶ 12, lines 1-6

**(6) Support for Constructive Reduction to Practice under 37 C.F.R. § 41.202(a)(6)**

Pursuant to 37 C.F.R. § 41.202(a)(6), support for each constructive reduction to practice is provided in the chart below.

**Claim 26**

A process for making an omega-double-face necklace or bracelet, comprising

The present invention relates to an "omega" type ornamental chain and a process for making the chain.



¶ 2, lines 1-2

providing a flexible core, and

A center piece or core of fabric of precious material.

¶ 11, line 2

threading a plurality of rings onto the flexible core,

[The small rings] are inserted on the central or core piece (20) (see FIG. 16).

¶ 38, lines 3-4

each ring having two different colors,

The tube is divided with radial cuts so as to form a plurality of small rings, which, being made with two different materials, may be defined [as] "bicolors".

¶ 10, lines 1-3

the rings being segments of a tubular element formed in two phases, the first phase comprising:

In actual operation, the small rings are obtained starting with two laminae of material having different composition, which laminae are placed side by side one with respect to the other, according to their longitudinal direction and being made integral one with respect to the other, by means of a process of welding so as to constitute a bilamina which then is shaped so as to form a tubular or cylindrical product.

¶ 9, lines 1-8

providing at least two differently colored precious metal laminae;

[T]he small rings are obtained starting with two laminae of material having different composition.

¶ 9, lines 1-3

arranging the at least two precious metal laminae in a side-by-side orientation;

[L]aminae are placed side by side one with respect to the other, according to their longitudinal direction.

¶ 9, lines 3-4

coupling adjacent sides of the at least two precious metal laminae by welding to form a single multi-color laminae having at least two different colors; and the second phase comprising:

[The bands] being made integral one with respect to the other, by means of a process of welding.

¶ 9, lines 5-6

bending the multi-color laminae to place free edges of the multi-color laminae adjacent each other; and

[The] lamina (7) is subjected to a rolling action which transforms the bilamina into a tubular or cylindrical element (8) (FIG. 8) and afterwards the two approached borders of the tubular element are made integral due to an operation of fixed connection, preferably welding, with or without a supply of material with a laser or other well known methods.

¶ 30, lines 1-7

longitudinally welding the adjacent free edges together to form a multi-color tubular element,

So as to constitute a bilamina which then is shaped so as to form a tubular or cylindrical product.

¶ 9, lines 6-8

whereby the multi-color tubular element displays one of the at least two different colors on each of at least two sides all along a length of the multi-color tubular element.

After the pressing operation one obtains a product suitable to make the necklaces called "double face", that is the necklaces which have two surfaces with symmetrically counterposed faces and which have aesthetic characteristics different one from the other.

¶ 12, lines 1-6

#### Claim 27

The process of claim 26, wherein the first phase further comprises feeding each of the at least two differently colored laminae into a first machine, the first machine arranging the laminae and having a welding torch for coupling the at least two differently colored laminae.

[The] lamina (7) is subjected to a rolling action which transforms the bilamina into a tubular or cylindrical element (8) (FIG. 8) and afterwards the two approached borders of the tubular element are made integral due to an operation of fixed connection, preferably welding, with or without a supply of material with a laser or other well known methods.

¶ 30, lines 1-7

#### Claim 28

The process of claim 27, wherein the first phase further comprises pulling the single multi-color laminae from the first machine using extraction rollers.

[The] lamina (7) is subjected to a rolling action which transforms the bilamina into a tubular or cylindrical element (8) (FIG. 8) and afterwards the two approached borders of the tubular element are made integral due to an operation of fixed connection, preferably welding, with or without a supply of material with a laser or other well known methods.

¶ 30, lines 1-7

Claim 29

The process of claim 26, wherein bending the multi-color laminae comprises passing the multi-color laminae through a plurality of pairs of rollers having shaped profiles and arranged to progressively bend the multi-color laminae.

[The] lamina (7) is subjected to a rolling action which transforms the bilamina into a tubular or cylindrical element (8) (FIG. 8) and afterwards the two approached borders of the tubular element are made integral due to an operation of fixed connection, preferably welding, with or without a supply of material with a laser or other well known methods.

¶ 30, lines 1-7

Claim 30

The process of claim 26, further comprising orienting each of the rings to display one color of the ring on the flexible core.

After the pressing operation one obtains a product suitable to make the necklaces called "double face", that is the necklaces which have two surfaces with symmetrically counterposed faces and which have aesthetic characteristics different one from the other.

¶ 12, lines 1-6

Applicants respectfully submit that the chart above clearly demonstrates that the instant Application and each of the priority applications provide a constructive reduction to practice within the scope of the interfering subject matter of proposed Count 1.

## CONCLUSION

No fee is deemed necessary in connection with the filing of this Request. However, if any fee is required, authorization is hereby given to charge of amount of such fee to Deposit Account No. 06-0515.

Applicants respectfully request that an interference be declared employing Count 1 with claims 1-5 of the Lacchetti Patent and claims 26-30 of the instant Application. Such action is respectfully requested.

Respectfully submitted,

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